

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SAUNDRA RICKMAN,)	
)	
Plaintiff,)	
)	
)	Civil Action No. _____
v.)	
)	Removed from the Circuit Court for
)	Davidson County
CASSANDRA PRESSLEY,)	Case No. 07C1345
OM FINANCIAL LIFE INSURANCE)	
COMPANY f/k/a FIDELITY AND)	
GUARANTY LIFE INSURANCE)	
COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE:

Defendant, OM Financial Life Insurance Company ("OM"), formerly known as Fidelity and Guaranty Life Insurance Company ("F&G"), by and through counsel, and defendant Cassandra Pressley ("Pressley"), pro se, pursuant to the provisions to 28 U.S.C. § 1446, respectfully file this Notice of Removal to remove to this court an action initiated against them in the Circuit Court for Davidson County, Tennessee, No. 07C1345. In support of this Notice of Removal, defendants state as follows:

1. This action, styled *Saundra Rickman v. Cassandra Pressley, OM Financial Life Insurance Company and Fidelity and Guaranty Life Insurance Company*, was filed in the Circuit Court for Davidson County, Tennessee on or about May 9, 2007. The summons and complaint were served upon OM via the Tennessee Secretary of State, on May 22, 2007. A copy of the

transmittal letter from the Department of Commerce and Insurance, summons and complaint served on OM is attached as Exhibit 1.

2. The case stated in the complaint was not removable based on the initial pleading in this matter because there was no allegation as to the citizenship of the individual defendant, Cassandra Pressley, and the events involving Pressley alleged in the complaint occurred in Tennessee. Therefore, OM responded to the complaint by filing its answer and amended answer in state court on June 14, 2007 and June 18, 2007, respectively. On August 6, 2007, defendant Pressley was served with a copy of the complaint at her current residence in Blue Ridge, Texas via certified mail. A copy of the return receipt is attached as Exhibit 2. The return of service on Pressley is an “amended pleading, motion, order or other paper” from which it may first be ascertained that the case is one which is...removable...” Removal is therefore proper under 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days of service of process on Pressley. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders from the state court action served upon OM are attached to this Notice of Removal as Exhibit 3.

3. The case stated by the complaint filed in the Circuit Court for Davidson County, Tennessee and served upon the defendants is removable to this court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446(b), in that the amount in controversy exceeds \$75,000, exclusive of interest and costs, and complete diversity of citizenship exists. Further stated, Plaintiff seeks to recover the contractual benefit of plaintiff’s life insurance policy which is \$50,000, plus treble damages for defendant’s alleged violation of the Tennessee Consumer Protection Act, T.C.A. §§ 47-18-104 and 47-18-109. The plaintiff is a resident of Davidson County, Tennessee. OM is a

Maryland corporation with its principal place of business in Maryland. Pressley is a resident of Collin County, Texas.

4. The above described action is a civil action of which this court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one which may be removed to this court by the defendants pursuant to the provisions of 28 U.S.C. § 1441, in that complete diversity of citizenship exists between the parties and plaintiff seeks more than \$75,000 in damages, exclusive of interest and costs.

WHEREFORE, defendants respectfully give notice that the above-styled action currently pending against them in the Circuit Court for Davidson County, Tennessee is hereby removed therefrom to this court.

Respectfully submitted this 31st day of August, 2007.

WOOLF, McCLANE, BRIGHT, ALLEN
& CARPENTER, PLLC

By: s/Tony R. Dalton

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CASSANDRA PRESSLEY, PRO SE

By: s/Cassandra Pressley (by TRD w/ permission)

Cassandra Pressley

10077 FM 545
Blue Ridge, TX 75424-4119

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2007 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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Cassandra Pressley
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This the 31st day of August, 2007.

s/Tony R. Dalton

Attorney